	v ar		
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2	of the State of California JANICE K. LACHMAN		
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7	Attorneys for Complainant		
8	BEFORE THE		
9	BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CAL	LIFORNIA	
11	In the Matter of the Accusation and Third	Case No. 845-A	
12	Petition to Revoke Probation Against:		
13	STEVEN LEROY FALLON P.O. Box 693	ACCUSATION AND THIRD	
	Newcastle, CA 95658	PETITION TO REVOKE PROBATION	
14	Civil Engineer License No. C 45670		
15	Respondent.	*	
16			
17	Complainant alleges:		
18	<u>PARTIES</u>		
19	Joanne Arnold (Complainant) brings this Petition to Revoke Probation and		
20	Accusation solely in her official capacity as the Interim Executive Officer of the Board for		
21	Professional Engineers and Land Surveyors.		
22	2. On or about August 27, 1990,	the Board for Professional Engineers and	
23	Land Surveyors (Board) issued Civil Engineer License Number C 45670 to Steven Leroy Fallon		
24	(Respondent). The civil engineer license was in full force and effect at all times relevant to the		
25	charges brought herein and will expire on December 31, 2010, unless renewed.		
26	3. Effective August 31, 1998, Respondent's civil engineer license was placed		
27	on probation for five years. The probation period has been extended several times (see paragraph		
28	13, below) and on April 14, 2006 was ordered to remain in effect until August 31, 2009.		

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ACCUSATION

CHAND RESIDENCE

FIRST CAUSE FOR DISCIPLINE

(Negligence or Incompetence)

10. Respondent is subject to disciplinary action under section 6775(c) of the Code, in that from on or about July 22, 2003 through August 11, 2003, Respondent was negligent and/or incompetent in the practice of civil engineering. The facts and circumstances are that Respondent contracted with client Ron Chand to prepare building plans to augment existing structural plans for a home Chand intended to build. The plans that Respondent provided included sheets that were poorly prepared to the point of being illegible, did not bear Respondent's company title-block, and did not provide calculations for both vertical and lateral resisting systems should have been included. The plans in general failed to meet the standard of practice and were repeatedly rejected by the Placer County Planning Department, making it necessary for Chand to hire another civil engineer to prepare the plans instead.

SECOND CAUSE FOR DISCIPLINE

(Violation of Professional Engineers Act)

Respondent is subject to disciplinary action under section 6775(h) of the Code, in that Respondent violated section 6749(a) by agreeing on or about July 11, 2003 to provide his client Ron Chand with professional engineering services but failing to provide his client with a written contract reflecting the services he had agreed to provide to him.

ARTALE RESIDENCE

THIRD CAUSE FOR DISCIPLINE

(Negligence or Incompetence)

12. Respondent is subject to disciplinary action under section 6775(c) of the Code, in that Respondent was negligent and/or incompetent in the practice of civil engineering, in that from February through April of 1997, he planned and approved an inadequate repair on a home owned by Norm Vanderlaag. The facts and circumstances are that in 1994, Respondent provided plans for a home for Norm Vanderlaag. In January of 1997 David Artale, examining

the house prior to purchase, noticed a sag in the roof over the front entry. The homeowner Vanderlaag referred the problem to Respondent who on February 28, 1997 issued "structural calculations" and a "letter/written report" to homeowner Vanderlaag detailing a repair of the roof. The repairs were made and Respondent certified the repairs on April 8, 1997. Reassured, Artale purchased the home. In 2001, Artale becomes aware that the sag in the roof was much more serious than he had been led to believe. Artale contacted Respondent who came out and made an inspection of the roof on March 5, 2001. During the inspection, Respondent noted that the purlin braces exceeded the unbraced length that 2x braces should maintain, as well as other problems with the construction and/or repair of the roof. This and subsequent inspections revealed that the repair work that had been approved by Respondent was inadequate in both planning and execution, that Respondent had failed to make all of the necessary roof framing calculations and then failed to properly inspect and report upon the state of the repairs after they were completed.

DISCIPLINE CONSIDERATIONS

- 13. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that:
- a. In a disciplinary action entitled "In the Matter of Accusation Against Steven Leroy Fallon," Case No. 578A, the Board for Professional Engineers and Land Surveyors accused Respondent of engaging in unprofessional conduct. Respondent admitted the violations. The Board issued a decision, effective August 31, 1998, wherein Respondent's civil engineer license was revoked. The revocation, however, was stayed and Respondent's license was placed on probation for a period of five (5) years with certain terms and conditions. A copy of the decision in this matter is attached as Exhibit A and is incorporated by reference.
- b. In a disciplinary action entitled "In the Matter of Accusation Against Steven Leroy Fallon," Case No. 578A, the Board for Professional Engineers and Land Surveyors Respondent was found to have violated the terms of his probation. As a result, the Board issued a decision, effective July 25, 2003, in which the probationary period of Respondent's civil engineer license was extended for an additional three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit B and is incorporated by reference.

1	c. In a disciplinary action entitled "In the Matter of the First Amended	
2	Accusation and Petition to Revoke Probation Against Steven Leroy Fallon" Case No. 578A, the	
3	Board for Professional Engineers and Land Surveyors accused Respondent of violating the term	
4	of his probation, negligence and breach of contract. Respondent admitted the violations. The	
5	Board issued a decision, effective April 14, 2006, in which the probationary period of	
6	Respondent's civil engineer license was extended for a period of an additional three (3) years	
7	with certain terms and conditions. A copy of that decision is attached as Exhibit C and is	
8	incorporated by reference.	
9	PRAYER	
10	WHEREFORE, Complainant requests that a hearing be held on the matters herein	
11	alleged, and that following the hearing, the Board for Professional Engineers and Land Surveyor	
12	issue a decision:	
13	1. Revoking or suspending Civil Engineer License Number C 45670, issued	
14	to Steven Leroy Fallon.	
15	2. Ordering Steven Leroy Fallon to pay the Board for Professional Engineers	
16	and Land Surveyors the reasonable costs of the investigation and enforcement of this case,	
17	pursuant to Business and Professions Code section 125.3;	
18	 Taking such other and further action as deemed necessary and proper. 	
19		
20	DATED: april 29,2009	
21		
22	Original Signed	
23	JOANNE ARNOLD. Interim Executive Officer Board for Professional Engineers and Land Surveyors	
24		
25	State of California Complainant	
26		
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